



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 9, 1996

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Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: *In the Matter of Use of N11 Codes and Other Abbreviated Dialing Arrangements;
Request of the Department of Justice that 311 be Reserved for Community Use for
Non-Emergency Police Telephone Calls; CC Docket No. 92-105*

Dear Commission Secretary:

Enclosed are an original and fifteen (15) copies of Comments filed by this office on behalf of the Texas Advisory Commission on State Emergency Communications ("TX-ACSEC"). Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention in this matter.

Sincerely,

Richard A. Muscat
Assistant Attorney General
State Bar No. 14741550
Counsel for TX-ACSEC

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of §
§
Use of N11 Codes and Other §
Abbreviated Dialing Arrangements §
§
Request of the Department of Justice §
that 311 Be Reserved for Community §
Use for Non-Emergency Police §
Telephone Calls §

CC Docket No. 92-105

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To: The Commission

**COMMENTS OF THE TEXAS ADVISORY COMMISSION ON
STATE EMERGENCY COMMUNICATIONS**

**NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS (TX-ACSEC),** by and through the Office of the
Attorney General of Texas, and submits these COMMENTS to the Commission's public
notice (DA 96-1500) requesting comments on reserving 311 for non-emergency police
telephone calls and/or non-emergency general government information purposes.

I.

INTRODUCTION AND SUMMARY

TX-ACSEC continues to oppose the assignment of unassigned N-1-1 dialing codes.¹
That opposition includes assignment of 311 either for (1) non-emergency police telephone
calls (e.g., the Baltimore pilot program) or (2) non-emergency general government

¹ See, TX-ACSEC Comments filed August 18, 1994 in IAD No. 94-101.

information purposes (e.g., the Dallas proposal).² TX-ACSEC will not burden the record in this proceeding by repeating its general comments in opposition to the assignment of the unassigned N-1-1 dialing codes, but will limit these comments to the two requests involving the national assignment of 311. The Commission should not assign 311 either for non-emergency police telephone calls or non-emergency general government information purposes, for the following reasons:

- Any doubt about potential adverse consequences for 9-1-1 emergency service should be resolved in favor of protecting the public.
- Public education and/or the use of 7-digit or 800-prefix telephone numbers for non-emergency calls may ultimately be better ways to keep 9-1-1 lines clear for true emergencies.

II.

THE COMMISSION SHOULD THOROUGHLY AND CAREFULLY CONSIDER ALL THE POTENTIAL ADVERSE CONSEQUENCES, PROBLEMS, AND COSTS TO THE PUBLIC FROM THE USE OF 311.

A national assignment of 311 either for non-emergency police telephone calls or non-emergency general government information purposes may potentially jeopardize 9-1-1 emergency service in Texas. TX-ACSEC is particularly concerned about how telecommunications carriers in Texas would be required to handle non-emergency calls that

² The two-year Baltimore pilot program has just begun. Initially, all calls in Baltimore will be routed to a single location and it is proposed that eventually routing will be used within that city. The Dallas proposal is still on hold because the Texas Public Utility Commission (TX-PUC), based in part on the urging of TX-ACSEC and other 9-1-1 entities in Texas, declined to further assign unassigned N-1-1 dialing codes at this time. See, Appendix: TX-PUC adoption of 23.98, 21 Tex. Reg. 8501 (September 3, 1996).

turn into emergency calls or mis-dialed 9-1-1 emergency calls.³ These issues are of special concern in areas where the local governmental entities in close proximity to each other have opposite views about using 311. For example, the Tarrant County Emergency Communications District, whose citizens share the same metropolitan area with Dallas, is on record in proceedings before the TX-PUC as opposing Dallas' non-emergency proposal. Areas within individual cities or counties in Texas (e.g., Dallas and Fort Worth) may be served from the same wire center or central office switch. If citizens in Fort Worth, for instance, are served out of the same wire center or switch as Dallas, those citizens' intentional or unintentional 311 calls could go to Dallas. If the call goes to Dallas and it is a non-emergency call that turns into an emergency call or is a mis-dialed 9-1-1 emergency call, the telecommunications carriers need to configure their networks to ensure that the caller can be transferred by Dallas to the appropriate Public Safety Answering Point (PSAP) in Fort Worth for the appropriate dispatch of emergency services.

Neighboring areas in Texas having opposite views on using 311 is not unique to the Dallas-Fort Worth Metroplex. The problem is of special concern because new local telecommunications carriers may serve large geographic areas with a single switch. Neighboring area problems could potentially be avoided if more than "basic" 311 is used (e.g., have selective routing within the wire center or switch area to ensure that calls in non-participating areas do not go through to the neighboring area using 311). Selective routing,

³ In at least one case, the Louisiana PUC has required that all pre-recorded messages of N-1-1 subscribers contain the following: "You have reached _____. This is not an emergency number. If you need emergency assistance, please hang up and dial 911." See, South Central Bell Telephone Company, ex parte, Docket No. U-20222, Order No. U-2-20222-I, Louisiana Public Service Commission, 1995 WL 41791 (January 4, 1995).

however, makes 311 much more expensive for telecommunications carriers. Methods of selective routing could vary greatly and may require the use of database routing solutions that could be undermined in the future if geographic permanent number portability is implemented. If the Commission permits the use of 311, some areas may decline to use it either because of the potential adverse consequences for 9-1-1 emergency service to citizens in the area or because of the costs. Citizens in areas that decline to participate in the use of 311 must be fully protected from neighboring areas that may use 311. Furthermore, telecommunications carriers must not be permitted to charge areas for declining to use 311 (i.e., telecommunications carriers must absorb the costs of selective routing or other network modifications necessary to protect citizens in non-participating areas).

The Commission, if it assigns 311 for use on a national basis, may be embarking on a major, expensive and potentially ill-advised undertaking to alleviate problems in a few specific areas of the United States. The two-year Baltimore pilot program has just begun. Public education and/or the use of 7-digit or 800-prefix telephone numbers for non-emergency police telephone calls may ultimately prove to be better and more cost effective ways to keep 9-1-1 lines clear for true emergencies.⁴ These solutions, moreover, would avoid the potential 9-1-1 problems that may result from using 311.

⁴ In Texas, for example, 1-800-POISON1 is used in non-emergency situations to access the six regional poison control centers comprising the Texas Poison Control Network and 9-1-1 is used to access that network as a secondary PSAP in true emergency situations. Similar identifying 800-prefix telephone numbers could be used either for non-emergency police telephone calls (e.g., 1-800-379-COPS) or non-emergency general government information purposes (e.g., 1-800-TXSTATE).

III.

CONCLUSION

For the reasons expressed above, TX-ACSEC urges the Commission to proceed cautiously and prudently and not assign 311 on a national basis either for non-emergency police telephone calls or non-emergency general government information purposes.

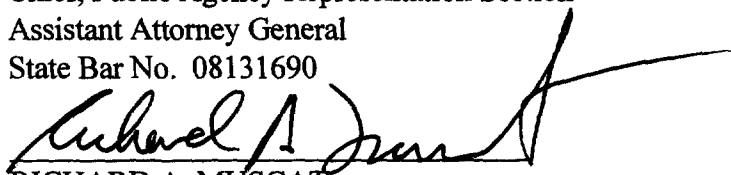
Respectfully submitted,

DAN MORALES
Attorney General of Texas

JORGE VEGA
First Assistant Attorney General

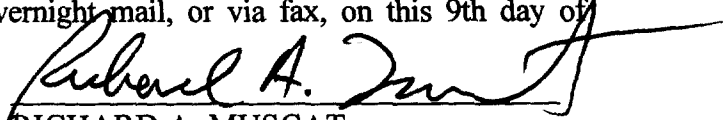
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon all required parties, by prepaid United States mail, overnight mail, or via fax, on this 9th day of October, 1996.


RICHARD A. MUSCAT

APPENDIX

directly to public safety and welfare and that the interruption of service may affect customers whose operations are essential to the public safety and welfare. For this reason, HL&P and STEG supported the blanket finding.

Finally, the commission requested comments on whether it can delegate authority for the chairman of the commission to act on a dispute in the absence of the other commissioners, as the proposed rule provides. HL&P noted that the Public Utility Regulatory Act permits an individual commissioner to conduct a hearing, and the commission's rules permit a presiding examiner to enter interim orders. Accordingly, the chairman, acting as a presiding examiner in a case, could enter an order on an interim basis that would be subject to review by the full commission. HL&P also expressed in its oral comments that where reliability is concerned, the commission has inherent power to take action on a dispute to preserve the integrity of the electric network. STEG also argued that the amendment is lawful.

Where a dispute over the terms of transmission service affects the provision of reliable electric service, the parties that joined in the ISO filing brought a petition for the quick resolution of the dispute. The rule will permit the parties to such a dispute to bypass the ADR provisions and refer the dispute directly to the commission. The rule also states blanket findings that such disputes affecting reliability of electric service constitute a threat to the health and welfare of the customers of the affected utility, thereby permitting the commission to hear the dispute in an emergency session. Finally, the rule permits the Chairman of the commission to issue a decision concerning such a dispute if a quorum of the commission is not present.

The amendment is adopted under the Public Utility Regulatory Act, 1995, §§1.101, 2.056, 2.057, and 2.216, Texas Civil Statutes, Article 1446c-0, §§1.101, 2.056, 2.057, and 2.216. Section 1.101 provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, §2.056 authorizes it to require utilities to provide transmission service, §2.057 directs it to adopt rules relating to transmission service, and §2.216 prohibits public utilities from engaging in anti-competitive conduct.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on August 22, 1996.

TRD-9512293

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Effective date: September 12, 1996

Proposal publication date: July 12, 1996

For further information, please call: (512) 458-0100

Telephone

16 TAC §23.96

The Public Utility Commission of Texas adopts new §23.96, concerning Abbreviated Dialing Codes, with changes to the

proposed text as published in the March 5, 1996 issue of the Texas Register (21 TexReg 1732). The rule defines the assigned uses of N11 dialing codes within the State of Texas.

The primary public benefit anticipated as a result of enforcing the section will be uniform access to emergency services afforded by 911 and end user access to directory assistance through the 411 code. The public will also benefit through certified telecommunications utilities' (CTU's) use of 811 for repair service and 811 for business office contact, as well as the use of unassigned N11 codes for internal testing and maintenance functions.

The rule is adopted pursuant to the following procedures. The proposed rule was published in the Texas Register on March 5, 1996 (21 TexReg 1732). Following publication of the proposed rule, the Commission conducted a public hearing on April 25, 1996 to discuss issues involving the proposed amendments. The public hearing was attended by Judith Shaw and Ronald Stutes representing the City of Dallas, Frank Fisher, Philip Campbell representing Lufkin-Conroe Telephone Exchange, Richard Muscat representing ACSEC, Joe Cosgrove representing SWB, and Michael Antash and T. Ray Taylor representing the City of Houston. The oral comments made by these parties are largely reflective of the written comments submitted by the City of Dallas, Frank Fisher, ACSEC and SWB. The written comments are summarized below.

Comments submitted in response to the March 5, 1996 Texas Register publication were received from Southwestern Bell Telephone Company (SWB), AT&T Communications (AT&T), the Town of Highland Park (Highland Park), Tarrant County 911 District (Tarrant County), City of Duncanville (Duncanville), Texas Telephone Association (TTA), City of Dallas (Dallas), Advisory Commission on State Emergency Communications (ACSEC), City of University Park (University Park), Frank Fisher and Greater Harris County 9-1-1 (Harris County). The General Services Commission filed a letter stating that it would not file comments. Reply comments were filed by ACSEC, the Office of Public Utility Counsel (OPC) and Dallas.

Harris and Tarrant Counties expressed concern that use of N11 dialing codes for any purpose other than the 911 emergency number, the 411 directory assistance number, and 811 for testing purposes would lead to confusion among their citizenry. Harris County and Tarrant County stated that the use of a three-digit number for non-emergency requests for governmental services, could jeopardize the effectiveness of 911 service. These parties believe that confusion, misdials and delayed emergency assistance to individuals using 911 will result if additional N11 dialing codes are assigned. Harris and Tarrant Counties contend that the purpose of non-emergency numbers could be achieved equally well through some other numbering pattern such as gimmick telephone numbers and argue that this approach would avert any potential for public confusion. Tarrant County is particularly concerned with Dallas' proposal because its citizens share the Metroplex media market with Dallas.

ACSEC opposed any assignment of the unassigned N11 dialing codes. ACSEC commented that any assignment of N11 dialing codes must not jeopardize 911 emergency service in the State of Texas. In its reply comments, ACSEC supported the comments of Harris and Tarrant Counties and stated that

any doubt about potential adverse consequences for N11 emergency service should be resolved in favor of protecting the integrity of 911 emergency service and not assigning the unassigned N11 dialing codes.

Frank Fisher stated that the rule is an appropriate restriction on local exchange company (LEC) use of N11 dialing codes. Mr. Fisher also urged the commission not to terminate its examination of the public policy issues concerning telecommunication gateways to information services and the possible role of N11 dialing codes in fulfilling this purpose.

Addressing whether governmental and non-emergency municipal services were an appropriate use of N11 dialing codes, SWB noted that while these services seem consistent with public interest considerations in assigning N11 codes, technical and cost recovery details would need to be worked out by all involved parties.

TTA and OPC oppose assignment of N11 dialing codes on a temporary basis stating that interim use of an N11 code will most likely cause customer confusion. These parties stated that customer confusion may be extensive if a code is assigned for one purpose and then abandoned because of FCC actions.

While University Park, Highland Park, Duncanville and Dallas acknowledge that N11 dialing codes are valuable resources that should be guarded and assigned with care, these parties oppose adoption of the rule because the rule does not assign an N11 number for non-emergency municipal purposes as requested by the City of Dallas petition. University Park, Highland Park, Duncanville and Dallas believe that assignment of an N11 number to access non-emergency municipal services is beneficial because three-digit numbers provide a simple, easy to remember number for accessing public services. Dallas stated that it was aware that action had not been finalized in the N11-related dockets and rulemakings pending at the FCC and that it was willing to assume the responsibility and ramifications that might follow any FCC action on this issue if the commission grants the city the use of an N11 dialing code for non-emergency municipal purposes. In its reply comments, Dallas stated it planned to undertake extensive education programs to prevent any confusion that may result if it is assigned an N11 code to provide non-emergency municipal services.

The commission does not believe that it is appropriate to assign additional N11 codes at this time. The commission is persuaded by the comments of the Harris County and Tarrant County emergency communication districts and is not convinced that the assignment of the unassigned N11 dialing codes will not adversely impact 911 emergency services. The commission also believes that there are unresolved issues as to the technical and economic feasibility of implementing plans such as that proposed in the City of Dallas petition. Furthermore, the commission observes that pending FCC proceedings could have a significant impact on abbreviated dialing issues and is sensitive to the importance of assigning N11 dialing codes in a manner consistent with the federal guidelines. Accordingly, the commission hesitates to assign N11 dialing codes for public uses prior to completion of the federal rulemaking and resolution of the pending FCC dockets which address N11 dialing code issues.

AT&T commented that the rule appropriately reserves the use of N11 codes for non-commercial purposes that are in the public interest and provide the most wide-ranging benefit. While AT&T stated that the rule appropriately allows use of 911 to access emergency service and 411 to access local directory assistance, AT&T argued that as competition for local directory assistance develops, the use of 411 should not be exclusively reserved to the incumbent local directory assistance provider. Likewise, AT&T argued that to the extent that directory assistance call completion (DACC) is allowed through the use of 411, exclusive use of 411 for DACC must not exist only for use by the incumbent LEC. AT&T's comments imply that paragraph (a)(1) of the rule limits use of 411 to the incumbent local directory assistance provider and the use of 411 for DACC to the incumbent LEC. The commission disagrees and notes that the rule permits use of 411 for directory assistance and/or DACC service by all CTUs.

SWB stated that subparagraph (a)(1)(B) of the rule improperly attempts to alter the terms and conditions of SWB's tariff that authorizes SWB to provide intraLATA toll DACC. SWB argued that costs of the proposed rule outweigh the perceived benefits because the rule would require SWB to make investments to install technology that will allow local calling scope DACC while selectively blocking intraLATA DACC. SWB argued that the required investment will exceed the annual revenues generated from intraLATA toll DACC. SWB also stated that the commission is without authority to alter the terms and conditions of its tariff in light of SWB's election under Subtitle H of PURA 95 to be regulated under incentive regulation. SWB argues that limiting DACC to the local calling scope of the caller would be a change in terms and conditions of its tariff and such changes may only occur in a contested case.

While the commission disagrees with SWB's argument that the commission does not have authority to require SWB to make tariff revisions upon adoption of a rule, the commission is persuaded that restricting DACC to call completion within the customer's local calling scope is not appropriate in light of the emerging competitive market. The commission amends subparagraph (a)(1)(B) to remove the limitation on DACC service to call completion within the customer's local calling scope.

TTA contended that the rule is unnecessary as the NANP Administrator has established guidelines for assigning N11 codes. TTA stated that §23.98(c) of the title which prohibits use of an N11 code except as directed by the PUC, appears to be in direct conflict with Section 23.98(e)(1) which recognizes that the NANP ultimately controls assignment and use of N11 codes. The commission disagrees. The FCC has jurisdiction over interstate communications while the commission maintains jurisdiction over intrastate communications. Absent FCC action on numbering plan issues, the commission may assign N11 dialing codes in a reasonable, non-discriminatory manner if their assignment and use can be discontinued on short notice.

TTA also stated that §23.98(b) appears to be in conflict with the NANP. TTA argued that the NANP specifically allows 611 and 811 codes to be used for repair and business office purposes and that the rule is inconsistent with the NANP in this regard. TTA pointed out that when the N11 code issue first arose, local exchange competition was not allowed in

Texas. SWB commented that while it no longer used 611 or 811 for repair or business offices purposes, the use of 911 and 811 provides convenient dialing access for many customers. SWB stated that this convenience outweighs any competitive impact, especially in today's environment when new entrants can use such codes and offer similar services. The commission recognizes that the regulatory environment in the telecommunications field has changed significantly since the passage of the Federal Telecommunications Act of 1996 and the Public Utility Regulatory Act of 1995. The ability of new entrants to enter the market and utilize their own switches in the provision of their services makes it possible for a new entrant to utilize N11 codes for repair and business office access. In order to achieve consistency with the NANP and let local exchange competitors, as well as incumbent local exchange companies, utilize the N11 codes on an equal basis, the commission amends subsection (a) of the proposed rule to allow CTUs to use 611 for repair service and 811 for business office contact. The commission deletes paragraph (b)(4) and (b)(6) as published in the *Texas Register*.

TTA sought clarification of the PUC definition of "telecommunications providers" as that term is used in §23.98(c) of the rule and suggested that certificate of authority (COA) and service provider certificate of authority (SPCOA) certificate holders be included in this definition. COA and SPCOA certificate holders are certificated telecommunications utilities within the State of Texas. The term "telecommunications providers" as defined in Section 3.002 of PURA 95 includes within its meaning certificated telecommunications utilities. For clarification purposes, the rule has been amended to apply to "CTUs" rather than telecommunications providers.

Addressing the designated use of abbreviated dialing codes, Tarrant County urged the commission to amend the rule to prohibit the assignment of N11 numbers for any purpose other than their internal use by telephone companies for the purpose of testing 911. The commission believes that the present use of 911 for emergency services access, 411 for directory assistance, 611 for repair service and 811 for business office contact is reasonable and in the public interest. No change has been made based on this comment.

TTA and ACSEC sought clarification regarding the intent of subparagraph (c) of the proposed rule. TTA commented that subsection (c) of the rule was vague with respect to how a telecommunications provider requests assignment of an N11 code. TTA seeks to modify subsection (c) to reflect that a proceeding will be conducted by the PUC to fulfill the requirements of this section and determine the public interest in assignment of the code. ACSEC argued that subsection (c) was not intended to set up a contested case process whereby parties can request the assignment of the unassigned N11 dialing codes in subsection (b) even after the commission adopts the rule.

AT&T agreed that all telecommunications providers should be allowed to request assignment or use of N11 codes, but noted that any request made to the Commission under subsection (c) must be subjected to statutory review with public comment and participation.

The commission agrees with the comments of ACSEC regarding subsection (c) of the rule. The commission believes that any future requests for assignment of the unassigned N11 dialing codes will be addressed in a request for a rule revision.

Tarrant County suggested deleting subsection (c) from the rule to prohibit the assignment of any N11 number for purposes other than testing. No change was made based on this comment.

AT&T stated that it opposed subsection (d) of the rule to the extent that only the ILEC would be allowed to use N11 dialing codes for internal purposes. AT&T argued that new entrants should be entitled to use the same or comparable N11 codes for internal purposes. In order to achieve consistency with the NANP and let local exchange competitors, as well as incumbent local exchange companies, utilize N11 codes on an equal basis, the commission amends subsection (d) of the rule to allow CTUs to use N11 dialing codes for internal business and testing purposes.

ACSEC recommended that the commission clarify that telephone companies would be able to use unassigned N11 dialing codes for 911 purposes, such as for a 911 system cutover. The commission agrees and makes the necessary clarification to subsection (d) of the rule.

All comments, including those not specifically referenced herein, were fully considered by the Commission.

The new section is adopted under Texas Civil Statutes, Article 1446-o, §1.101, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and §3.051, which provides that the public interest requires that new rule, policies, and principles be formulated and applied to protect the public interest and to provide equal opportunity to all telecommunications utilities in a competitive marketplace.

Cross Index to Statutes: Texas Civil Statutes, Article 1446-o and §3.051(a)-Public Utility Regulatory Act of 1995, 74th Legislative, Regular Session 1995.

§23.98. Abbreviated Dialing Codes.

(a) The following abbreviated dialing codes may be used in Texas:

- (1) 411
 - (A) Directory Assistance
 - (B) Directory Assistance Call Completion
- (2) 611 - Repair Service
- (3) 811 - Business Office
- (4) 911 - Emergency service

(b) The following N11 dialing codes are not assigned for use in Texas:

- (1) 211
- (2) 311
- (3) 511
- (4) 711

(c) A certified telecommunications utility (CTU) within the State of Texas may assign or use N11 dialing codes only as directed by the commission.

(d) An unassigned N11 dialing code may be used by a CTU for internal business and testing purposes such as inspector ringback, line opener, dual tone multifrequency testing (DTMF Test), automatic number announcement, and 911 system cutover.

(e) The following limitations apply to a CTU's use of N11 dialing codes for internal business and testing purposes:

(1) use may not interfere with the assignment of such numbers by the FCC and the NANP; and

(2) use of an N11 dialing code must be discontinued on short notice if the number is reassigned on a statewide or nationwide basis.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on 22, 1996.

TRD-9612296

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Effective date: September 12, 1996

Proposal publication date: May 5, 1996

For further information, please call: (512) 458-0100

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 21. Student Services

Subchapter A. General Provisions

19 TAC §21.5

The Texas Higher Education Coordinating Board adopts amendments to §21.5 concerning General Provisions (Refund of Tuition and Fees at Public Community/Junior and Technical Colleges) without changes to the proposed text as published in the June 21, 1996, issue of the *Texas Register* (21 TexReg 5854). These amendments were filed with the Secretary of State on February 16, 1996 and the publication date was to be February 27, 1996. However, the amendments were not published in that issue of the *Texas Register* as scheduled. The changes to rules established a refund policy for classes less than semester length and for continuing education courses. The changes were made to correct for unequal refund policies between drops and withdrawals and make changes the admissions officers believe will help in retaining students. The changes allow the schools to use state rules rather than federal refund policy rules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Education Code, §54.212 and §130.008 which provides the Texas Higher Education Coordinating Board with the authority to adopt rules concerning General Provisions (Refund of Tuition and Fees at Public Community/Junior and Technical Colleges).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas on August 22, 1996.

TRD-9612369

James McWhorter

Assistant Commissioner for Administration

Texas Higher Education Coordinating Board

Effective date: September 13, 1996

Proposal publication date: June 21, 1996

For further information, please call: (512) 483-6160

TITLE 22. EXAMINING BOARDS

Part XXIX. Texas Board of Professional Land Surveying

Chapter 661. General Rules of Procedures and Practices

Applications, Examinations, and Licensing

22 TAC §661.45

The Texas Board of Professional Land Surveying adopts an amendment to §661.45 concerning examinations. The amendment clearly defines what action might be taken if an applicant compromises the confidentiality of the examination. The adoption is with changes to the proposed text as published in the March 22, 1996, issue of the *Texas Register* (21 TexReg 2355).

No comments were received regarding adoption of the amendment.

The amendment is adopted under Article 5282c, §9, V.T.C.S., which provides the Texas Board of Professional Land Surveying with the authority to make and enforce all reasonable and necessary rules, regulations and bylaws not inconsistent with the Texas Constitution, the laws of this state and this Act.

§661.45. Examinations.

(a)-(e) (No change.)

(f) The contents of all examination materials are confidential. Any registrant and/or applicant who takes an action with the intent to compromise the confidentiality of the examination is subject to disciplinary sanction, administrative penalties, or both. In assessing an appropriate penalty or sanction, the Board may:

(1) impose the penalties and sanctions set out in Texas Revised Civil Statutes article 5282c;

(2) disqualifying the applicant from taking future examinations for a period of three years